

Amendment No. _____

Signature of Sponsor

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| Date _____ |
| Time _____ |
| Clerk _____ |
| Comm. Amdt. _____ |

AMEND Senate Bill No. 2890

House Bill No. 2814*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, Part 1, is amended by adding the following as a new section.

(a) A law enforcement officer, a district attorney general or the district attorney's designee, or the attorney general or the attorney general's designee may require the disclosure of stored wire or electronic communications, as well as transactional records pertaining thereto, to the extent and under the procedures and conditions provided for by the laws of the United States.

(b) A provider of electronic communication service or remote computing service shall provide the contents of, and transactional records pertaining to, wire and electronic communications in its possession or reasonably accessible thereto when a requesting law enforcement officer, a district attorney general or the district attorney's designee, or the attorney general or the attorney general's designee complies with the provisions for access thereto set forth by the laws of the United States.

(c) Search warrants for production of stored wire or electronic communications and transactional records pertaining thereto shall have state-wide application or application as provided by the laws of the United States when issued by a judge with general criminal jurisdiction over the criminal offense under investigation and to which such records relate. A judge with general criminal jurisdiction over the criminal offense under investigation may also issue orders for production of stored wire or electronic



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communications and transactional records pertaining thereto to the extent and under the procedures and conditions provided for by the laws of the United States.

(d) A subpoena for the production of stored wire or electronic communications and transactional records pertaining thereto may be issued under the procedures for the issuance of subpoenas and to the extent and under the procedures and conditions provided for by the laws of the United States.

(e) Criminal process that authorizes or commands the seizure or production of papers, documents, records, or other things from a recipient-provider may be served by:

- (1) Delivering a copy to the recipient-provider personally; or
- (2) Sending a copy by:
 - (A) Certified or registered mail, return receipt requested;
 - (B) Express mail; or
 - (C) Facsimile or electronic transmission, if the copy is sent in a manner that provides proof of delivery.

(f) A recipient-provider who seeks to quash or otherwise challenge the criminal process must seek relief from the court of general criminal jurisdiction in the county from which the process was issued within the time required for production. The court shall hear and decide the issue as soon as practicable.

(g) When criminal process is served under subsection (e), the recipient-provider shall provide all of the papers, documents, records, or other things described in the criminal process within twenty (20) business days from the date the criminal process is received, unless:

- (1) The court, for good cause shown, includes in the process a requirement for production within a period of time that is fewer than twenty (20) business days;

(2) The court, for good cause shown, includes in the process an extension of the time for production to a period of time that is more than twenty (20) business days; or

(3) The applicant consents to a request from the recipient-provider for additional time to comply with the process.

(h) Criminal process issued under this section must contain a notice on the first page of the document that indicates:

(1) That the process was issued under this section;

(2) The date before which the recipient-provider must respond to the process; and

(3) That the deadline for seeking relief is not altered by the applicant's consent to additional time to respond to the process.

(i) As used in this section, "criminal process" means a subpoena, search warrant, or other court order, or such other process authorized under the procedures and conditions provided for by the laws of the United States for the disclosure of stored wire or electronic communications and transactional records pertaining thereto.

(j) A failure to comply with criminal process issued pursuant to this section by a recipient-provider is punishable as contempt.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

Amendment No. _____

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AMEND Senate Bill No. 1996

House Bill No. 1915*

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by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 14, Part 1, is amended by adding the following language as a new section:

(a) Effective July 1, 2020, there are created five (5) social worker positions to be designated in judicial districts as provided in this section.

(b)

(1) The executive director of the district public defenders conference and the administrative director of the courts shall meet and prepare a report containing the directors' recommendations as to the specific judicial districts in which the additional social worker positions created pursuant to subsection (a) should be designated. The report must be prepared in consultation with the comptroller.

(2) By September 1, 2020, the executive director of the district public defenders conference shall file the report prepared pursuant to subdivision (b)(1) with the speaker of the senate, the speaker of the house of representatives, the chair of the judiciary committee of the senate, and the chair of the judiciary committee of the house of representatives. Upon the filing of such report, the district public defenders recommended by the report to receive the additional social worker positions shall be authorized to interview and employ persons to fill the positions.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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AMEND Senate Bill No. 2363

House Bill No. 1868*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the Officer Kenny Moats Assault Act."

SECTION 2. Tennessee Code Annotated, Section 39-13-101, is amended by deleting subdivision (b)(1) and substituting instead the following:

(b)

(1)

(A) Assault under:

(i) Subdivision (a)(1) is a Class A misdemeanor, punishable by incarceration and a fine not to exceed fifteen thousand dollars (\$15,000);

(ii) Subdivision (a)(2) is a Class A misdemeanor; and

(iii) Subdivision (a)(3) is a Class B misdemeanor.

(B) If an assault under subsection (a) is committed against a first responder listed in § 39-13-102(e)(1)(B), who is discharging or attempting to discharge the first responder's official duties, the assault shall be punished one (1) classification higher than is prescribed for the offense in subdivision (b)(1)(A).

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.



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AMEND Senate Bill No. 2396

House Bill No. 1704*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following language as a new section:

(a) A person commits assault against a law enforcement officer, public or private probation officer, parole officer, or community corrections officer who:

(1) Intentionally, knowingly, or recklessly causes bodily injury to a law enforcement officer, public or private probation officer, parole officer, or community corrections officer; or

(2) Intentionally or knowingly causes physical contact with a law enforcement officer, public or private probation officer, parole officer, or community corrections officer and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of a law enforcement officer, public or private probation officer, parole officer, or community corrections officer.

(b) Assault under subsection (a) is a Class E felony and shall include a mandatory minimum sentence of thirty (30) days incarceration. The defendant shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the defendant has served the entire thirty-day mandatory minimum sentence day for day.



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(c) An inmate commits assault against a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who:

(1) Intentionally, knowingly, or recklessly causes bodily injury to a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse; or

(2) Intentionally or knowingly causes physical contact with a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of the correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse.

(d) Assault under subsection (c) is a Class E felony and shall include a mandatory minimum sentence of thirty (30) days of incarceration, to be served consecutive to any current sentence unless the district attorney general agrees to a concurrent sentence. The defendant shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the defendant has served the entire thirty-day mandatory minimum sentence day for day.

SECTION 2. Tennessee Code Annotated, Section 39-13-102(e)(1), is amended by adding the following language as a new subdivision:

() A person convicted of a violation of subsection (a) or (c) committed against a law enforcement officer, public or private probation officer, parole officer, community corrections officer, correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who is discharging or

attempting to discharge their official duties shall be punished one (1) classification higher than is otherwise provided.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.